

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TRAVIS HARDEN,

Plaintiff,  
v.

Civil Action No. 19-11753  
Honorable Denise Page Hood

CROSS, et al.,

Defendants.

\_\_\_\_\_ /

**ORDER ADOPTING REPORT AND RECOMMENDATION TO  
DISMISS PLAINTIFF’S COMPLAINT AS AGAINST GAYLE LEACH  
FOR FAILURE TO PROSECUTE [#89] and ORDER DISMISSING  
PLAINTIFF’S CAUSE OF ACTION**

*Pro se* Plaintiff filed this 42 U.S.C. § 1983 lawsuit against multiple defendants.

This matter comes before the Court on Magistrate Judge David R. Grand’s Report and Recommendation dated February 2, 2023. [ECF No. 89] In the Report and Recommendation, the Magistrate Judge recommends that the Court dismiss Plaintiff’s complaint as to Defendant Gayle Leach for failure to prosecute. No party has filed an objection to the Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge’s Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised

an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

The Court notes that, in its prior orders (*see* ECF Nos. 77, 78), the Court granted summary judgment in favor of all Defendants other than Defendant Leach. Accordingly, with the dismissal of Defendant Leach in this Order, all Defendants have been dismissed, the claims filed by Plaintiff lack viability, and his cause of action must be dismissed.

For the reasons stated above,

**IT IS ORDERED** that the Report and Recommendation dated February 2, 2023 [ECF No. 89] is **ADOPTED** as this Court's findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** as against Defendant Gayle Leach.

**IT IS FURTHER ORDERED** that, as all Defendants have been dismissed from this case, Plaintiff's cause of action is **DISMISSED**. Judgment will

be entered separately.

IT IS ORDERED.

DATED: March 31, 2023

s/Denise Page Hood

DENISE PAGE HOOD

United States District Judge